

February 1, 2004

**FOR MORE INFORMATION, CONTACT:**

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**To: Montana Standard and Anaconda Leader**

**Dear Editors:**

**Please publish the following legal notice in your newspaper once a week for the next three weeks:**

**LEGAL NOTICE**

**DEQ and EPA Seeking Comments on an Active Mine Operable Unit/Butte Priority Soils Operable Unit Boundary Change**

The Montana Department of Environmental Quality (DEQ) in Helena and the Environmental Protection Agency (EPA) have received an application on December 3, 2003 from Montana Resources (MR) in Butte to change the boundary of its active operating permit area (aka the Active Mine Operable Unit). Montana Resources (MR) is requesting to transfer 109 acres of the Berkeley Pit Northwest Waste Rock Dumps (NW Dumps) from its mine permitted area to the Butte Priority Soils Operable Unit (BPSOU). This property is adjacent to and immediately east of the Granite Mountain Memorial Interpretive Area (GMMIA) and MR contends that its inclusion as part of the GMMIA would help preserve the historic mining landscape from the GMMIA. The Conceptual Design Plan for the GMMIA was originally submitted to the agencies by the Atlantic Richfield Company on July 3, 2001. The GMMIA conceptual design has subsequently been included as a possible remedial alternative with the BPSOU Feasibility Study.

The historic significance of the NW Dumps to the concept of the GMMIA and the Historic Preservation Area designated as part of Montana's Copperway Regional Heritage Park is the primary basis for this request. The NW Dumps contains the site of the Speculator Mine, which played an important role in the Granite Mountain/Speculator Mine fire of 1917, the worst underground, hard rock mining disaster in U.S. history.

MR contends that the change would benefit the visual continuity and aesthetics of the GMMIA. Because the storm water from the GMMIA and NW Dumps is directed to the Berkeley Pit, MR believes that this action will not produce water quality changes. The remedial action for the Butte Mine Flooding Operable Unit addresses water in the Berkeley Pit and provides for protection of human health and the environment for this portion of the BPSOU.

In support of the proposal, MR provided a site map depicting the existing and proposed GMMIA boundaries, DEQ endorsement of this transfer, Atlantic Richfield Company concurrence, written support of the Butte-Silver Bow government, and materials characterization data for the NW Dumps.

MR has conducted the required materials characterization work in conjunction with the DEQ, Environmental Management Bureau. The sampling results have been provided to both the DEQ and the Butte office of EPA. Finally, MR would agree to establish and fund appropriate ambient air monitoring sampling required for the NW Dumps. This sampling program would be included with Atlantic Richfield's ambient air monitoring program. The site located within the NW Dumps has been selected, a PM 10 sampler has been located on the site and an electricity source is being accessed. The sampling program consists of a 24-hour sampling period conducted at 3-day intervals.

The agencies are seeking public comment on the proposed change. The agencies will use the comments to prepare an environmental assessment (EA) on the proposed change as required by the Metal Mine Reclamation Act under the Montana Environmental Policy Act. EPA will also use public comments as it considers whether to add the Northwest Dumps to the BPSOU.

Copies of the application can be reviewed at DEQ, Environmental Management Bureau, at 1520 E. 6<sup>th</sup> Ave., Helena, MT or at the Butte EPA office at 155 W. Granite, Butte, MT 59701. Requests for information, questions, and comments should be directed to Patrick Plantenberg, Operating Permit Section Supervisor, DEQ Environmental Management Bureau, P. O. Box 200901, Helena, MT 59620-0901, phone (406) 444-4960 or e-mail at [pplantenberg@state.mt.us](mailto:pplantenberg@state.mt.us) or by contacting Sara Sparks, EPA, 155 W. Granite, Butte, MT 59701, phone (406) 782-7415 or e-mail at [sparks.sara@epa.gov](mailto:sparks.sara@epa.gov). Please submit comments no later than February 29, 2004.

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Please attach an affidavit of publication, with an original tear sheet for the run date, to your invoice and send them to:

Department of Environmental Quality  
Environmental Management Bureau  
1520 East 6<sup>th</sup> Avenue  
PO Box 200901  
Helena MT 59620-0901

**Please charge to DEQ account number: RC # 5315, DOC # EMB 503128**

**Sincerely,**

**Patrick Plantenberg  
Operating Permit Section Supervisor  
Environmental Management Bureau**

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